



Director's Rule 3-2002

Applicant: City of Seattle Department of Design, Construction and Land Use	Page 1 of 7	Supersedes: N/A
	Publication: 6/6/02	Effective: 7/1/02
Subject: Requirements for allowing grading in ECA between October 31 st and April 1 st (Dry Season Extension Letter)	Code and Section Reference: SMC 25.09.060 C 9 (Regulations for Environmentally Critical Areas)	
	Type of Rule: Procedural	
	Ordinance Authority: SMC 3.06.040	
Index: Regulations for Environmentally Critical Areas	Approved Diane M. Sugimura (signature on file)	Date 6/27/02

PURPOSE

The purpose of this rule is to set forth the process and criteria for obtaining the Director's approval for grading in an Environmentally Critical Area (ECA) between October 31st and April 1st, with what is commonly called a "Dry Season Extension Letter."

AUTHORITY

Chapter 25.09.060 C 9 of the Seattle Municipal Code provides that "All grading in environmentally critical areas shall be completed or stabilized by October 31st of each year unless demonstrated to the satisfaction of the Director based on approved technical analysis that no environmental harm or safety problems would result from grading between October 31st and April 1st."

RULE

Grading on sites subject to ECA standards between October 31st and April 1st is limited to those grading operations approved in writing by the Director in a "Dry Season Extension Letter." Such letters will only be approved and issued, if, after submission of an application and the supporting documentation outlined in this Rule, the Director determines that no safety problems, or environmental harm will occur from the grading work that is proposed to be done during the period after October 31st. Requests should be limited to the minimum work necessary to allow construction to proceed during the October 31st to April 1st period.

ANY GRADING BETWEEN OCTOBER 31ST AND APRIL 1ST ON SITES SUBJECT TO ECA STANDARDS IS PROHIBITED BY SMC 25.09.060C9 UNLESS A DRY SEASON EXTENSION LETTER HAS BEEN OBTAINED. SUCH WORK WITHOUT A DRY SEASON EXTENSION LETTER IS SUBJECT TO FINES AND PENALTIES AS PROVIDED IN SMC 25.09.400 AND TO HAVING A STOP WORK ORDER AND/OR EMERGENCY ORDER TO STABILIZE THE SITE ISSUED FOR THE SITE.

Grading operations between October 31st and April 1st must comply with all conditions imposed by the Director in the Dry Season Extension Letter. In such letters, the Director will include conditions necessary so that site stability is maintained during the grading operation.

Typical conditions imposed by the Director include the following:

- Submission at specific intervals of written documentation by the geotechnical engineer or the geotechnical special inspector documenting that the temporary erosion and sedimentation control plans are in place and are being complied with;
- "Continuous" monitoring inspections by the geotechnical engineer while grading activities are occurring, and weekly or bi-weekly follow up monitoring reports after grading is completed and the site stabilized but before the geotechnical engineer has submitted the certification that final erosion control measures have been installed and to confirm that the grading and project are in compliance with all conditions; and
- Written field report documentation from the geotechnical engineer after every rainfall in excess of one-half (0.5) inch in a 24-hour period to confirm that the grading and site soils remain in a stable condition.

The contractor and geotechnical engineer must agree to adhere to the required conditions imposed before a Dry Season Extension Letter will be approved. Failure to adhere to the required conditions may result in revocation of the Dry Season Extension Letter, issuance of stop work or emergency orders, and imposition of fines and penalties as discussed above.

1. Permits Issued Prior to October 1st and Subject to the ECA Dry Season Grading Restriction--Submission of Project Status and Dry Season Extension Letter Request —Deadline October 7th.

If the geotechnical engineer for the project has not previously submitted to DCLU a statement that all grading work on the project has been completed and the site is stable, the geotechnical engineer shall, no later than October 7th of each year, submit to DCLU the contractor's schedule for completion of all grading activities on the project and stabilization of the site with the geotechnical engineers concurrence with the proposed schedule and activities.

- a) If the submitted grading completion schedule shows that all of the grading and site stabilization will not be completed by October 31st, a written application for a Dry Season Extension Letter must be submitted to the DCLU Site Development Section no later than October 15th. DCLU will process the request as quickly as possible, but applicants should not expect a response before two business weeks after the submission is received by DCLU. In this respect the earlier the application is submitted, the more likely that a Dry Season Extension Letter may be issued prior to October 31st. If a Dry Season Extension Letter is not approved by October 31st, the contractor must have the grading work stopped and the site stabilized by October 31st.
- b) If the grading completion schedule indicates that all of the grading will be completed and the site stabilized by October 31st, the geotechnical engineer must submit to DCLU, by close of business October 31st a written statement that the grading was completed per the approved plans and the site stabilized by the October 31st deadline.
- c) If the grading completion schedule indicates that all grading will be completed or the site stabilized prior to October 31st, but the geotechnical engineer does not submit the written statement by close of business on October 31st verifying that the grading was completed and/or the site stabilized by the October 31st deadline, all grading work shall stop until April 1st or until a Dry Season Extension Letter is issued pursuant to this Rule. A stop work order will be issued on November 1st and remain in effect for all grading work until April 1st, or until one of the following occurs: 1) a written statement is submitted verifying that the grading was completed per the approved plans and the site stabilized by October 31st, or 2) the Dry Season Extension Letter is approved and issued. If the site is unstable, an emergency order also may be issued requiring immediate stabilization of the site in accordance with a site stabilization plan to be approved by DCLU. When an application for a Dry Season Extension Letter is made after October 31st, DCLU will process the request as quickly as possible, but applicants should not expect a response before two business weeks after the submission is received by DCLU.

2. Permits Issued Between October 1st and April 1st Subject to ECA Dry Season Grading Restriction—Submission of Grading and Site Stabilization Schedule and Dry Season Extension Request

- a) For permits issued between October 1st and October 31st for projects subject to an ECA dry season grading restriction, no grading work shall be started after October 1st unless the contractor has submitted, on or before the date of permit issuance, a grading schedule approved in writing and dated by the geotechnical engineer, showing that the grading work will be completed and/or the site will be stabilized prior to October 31st. If the grading completion schedule shows that all grading will be completed and/or that the site will be stabilized prior to October 31st, but the geotechnical engineer does not submit the written statement by close of business on October 31st verifying that the grading was completed or that the site was stabilized by October 31st, a stop work order will be issued on November 1st. The stop work order will remain in effect for all grading work until

such time as a grading extension letter is issued or until April 1st, whichever occurs first. If the site is unstable, an emergency order also may be issued requiring immediate stabilization of the site in accordance with a site stabilization plan to be approved by DCLU. When an application for a Dry Season Extension Letter is made after October 31st, DCLU will process the request as quickly as possible, but applicants should not expect a response before two business weeks after the submission is received by DCLU.

- b) For permits issued between October 31st and April 1st for projects subject to an ECA dry season grading restriction, no grading work shall occur between October 31st and April 1st unless a Dry Season Extension Letter is obtained. When an application for a Dry Season Extension Letter is made between October 31st and April 1st, DCLU will process the request as quickly as possible, but applicants should not expect a response before two business weeks after the submission is received by DCLU.

3. Dry Season Extension Letter Application Process.

- a) **Application.** An application for a Dry Season Extension Letter must be submitted to the DCLU Site Development Section, 700 5th Avenue, Suite 2000, (22nd Floor), Seattle, WA 98104-5070/ Fax No. 206-233-7902, along with payment of the required fee, and must include the following:

- 1) A completed signed copy of the Dry Season Extension Letter Application form attached to this Rule as Exhibit A.
- 2) A detailed site plan showing where the proposed grading activities and/or site stabilization activities during the extension period will occur. The site plan must also show all additional measures, including erosion control systems and measures to control stormwater runoff from the site, that are proposed so that the grading and/or site stabilization activities will not result in safety problems or environmental harm or adverse environmental impacts to the ECA area, the site or neighboring properties.
- 3) A schedule of the proposed grading and/or site stabilization work. The schedule must include specific dates when excavations and backfilling will occur as well as the dates when the locations for stormwater collection will be completed and ready for use. The proposed monitoring and special inspection dates must also be included, as well as all other significant proposed dates.
- 4) A signed confirmation from the project's geotechnical engineer stating that the engineer has reviewed and approved the proposed site plan and schedule and that, in the geotechnical engineer's opinion, no safety problems, environmental harm or adverse environmental impacts to the ECA area, the site or neighboring properties will occur from allowing grading activities or site stabilization activities to occur on site in accordance with the submitted site plan and schedule. The geotechnical engineer shall include any recommendations the engineer believes are necessary so that the proposed work can be safely accomplished given the increased seasonal potential for severe weather.

b) Review and Approval. The Site Development Section will review the application and evaluate the hazards associated with the proposed work to determine whether the geotechnical analysis and recommendations are sufficient to address any safety problems, environmental harm or adverse environmental impacts to the ECA area, the site or neighboring properties that would occur if the request is granted.

- 1) No such request shall be granted if environmental harm or adverse environmental impacts cannot be avoided or if safety problems are likely to occur even after required conditions are imposed and complied with.
- 2) If the application is incomplete, DCLU may return the application for additional information.
- 3) If the application is sufficient to show that no environmental harm or safety problems will occur if the request is granted, DCLU may approve the request as submitted or may approve a modified request, and may include in the approval letter conditions to help ensure that no adverse environmental impacts, environmental harm or safety problems will occur if the work is done in accordance with the approval letter.

All work must be done in accordance with the approval letter. Any work done in excess of that approved in the Dry Season Extension Letter or in violation of the conditions of the Dry Season Extension Letter will be subject to stop work or emergency orders and fines and penalties as outlined above.

EXHIBIT A
THE DEPARTMENT OF DESIGN, CONSTRUCTION, AND LAND USE
SITE DEVELOPMENT

DRY SEASON EXTENSION LETTER APPLICATION

Site Information

Site Address: _____
DCLU Project Number: _____
DCLU Permit Number: _____
Date of Application: _____
Type of Environmentally Critical Area (Check the ones that apply to the site):
____ Potential Slide due to Steep Slope
____ Potential Slide due to Geologic Conditions
____ Known Slide Area
____ Wetland
____ Riparian Corridor

Applicant Information

Contractor: _____
License Number: _____
Address: _____
Phone Number: _____
24-hour Emergency Number: _____

Owner/Owner's Representative: _____
Name: _____
Address: _____
Phone Number: _____
Fax Number and/or email Address: _____

Geotechnical Engineer of Record: _____
Site Representative: _____
Phone Number: _____

Application

- 1. Request.** Explain in detail exactly what is being requested, i.e., the length of the extension requested, the work to be done during the extension, measures to avoid environmental harm and safety problems, the justification for the extension request and any extenuating circumstances why the October 31st code deadline could not be met. (Late issuance of a permit or late start on grading are not considered extenuating circumstances.)
- 2. Site plan.** Attach a detailed site plan showing where the proposed grading activities and/or site stabilization activities during the extension will occur. The site plan must also show all additional measures, including erosion control systems and measures to control stormwater runoff from the site, that are proposed so that the grading and/or site stabilization activities will not result in adverse impacts.

3. **A schedule of the proposed grading and/or site stabilization work.** (Include below or attach.) The schedule must include specific dates when excavations and backfilling will occur as well as the dates when the locations for stormwater collection will be completed and ready for use. The proposed monitoring and special inspection dates must also be included, as well as all other significant proposed dates.
4. **Statement from Project Geotechnical Engineer.** Attach a confirmation **from the geotechnical engineer** stating that the engineer has reviewed and approved the proposed site plan and schedule and that, in the geotechnical engineer's opinion, no adverse environmental impacts, environmental harm or safety problems will occur to the ECA, on site, or to neighboring properties from allowing grading activities or site stabilization activities to occur on site in accordance with the submitted plan and schedule. The geotechnical engineer shall include any recommendations the engineer believes are necessary so that the proposed work can be safely accomplished given the increased seasonal potential for severe weather.
5. **Agreements to Comply with Conditions in Extension Letter.**

a. Contractor. I, _____, General Contractor on this Project agree to comply with all conditions imposed by the Director in granting a Dry Season Extension Letter and agree to require all my employees and subcontractors to also comply with those conditions.

Dated: _____ Signed: _____
Contractor
Printed Name: _____

b. Geotechnical Engineer. I _____, Geotechnical Engineer on this Project, agree to comply with all conditions imposed by the Director in granting a Dry Season Extension letter and in my required monitoring and reporting agree to monitor and report on compliance with those conditions and to evaluate the status of the project in relation to those conditions.

Dated: _____ Signed: _____
Geotechnical Engineer
Printed Name: _____

c. Owner/Agent for Owner. I, _____, Owner/Agent for the Owner of the property for this Project agree to comply with all conditions imposed by the Director in granting a Dry Season Extension Letter and agree to require my Contractor and any subcontractors to also comply with those conditions.

Dated: _____ Signed: _____
Property Owner/Agent for Owner
Printed Name: _____